UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,459	11/19/2003	Curtis Davis	NVDA/AG-08-0112-US	3916

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EXAMINER
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ART UNIT	PAPER NUMBER
2183	

MAIL DATE	DELIVERY MODE
10/10/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>29 September 2008</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐   The period for reply expires _____months from the mailing date of the final rejection.

   b) ☒   The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

        Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☒   The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☒ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

        NOTE: *See Continuation Sheet*. (See 37 CFR 1.116 and 41.33(a)).

4. ☐   The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐   Applicant's reply has overcome the following rejection(s): _____.

6. ☐   Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒   For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

    The status of the claim(s) is (or will be) as follows:

    Claim(s) allowed: _____.

    Claim(s) objected to: _____.

    Claim(s) rejected: _____.

    Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐   The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐   The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:

    _____.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☒ Other: <u>See Continuation Sheet</u>.

  /Eddie P Chan/
  Supervisory Patent Examiner, Art Unit 2183

Continuation of 3. NOTE: Claim 14 was amended in such a way to raise a new issue that would require further consideration. Specifically, the new claim necessitates that the IEM is configured to receive physics simulation data from the PPM "in response to commands received from the DME" when previously the "in response to commands received from the DME" limitation could apply only to the initiation of the context switch.

Continuation of 13. Other: Applicant argues on page 9 that the specification discloses that the context switches occur relative to the data banks IEM 52 and IER 53. However, the claimed language of "one or more other system elements" is broader than the aforementioned specification's teaching and thus a written description rejection is applicable, as the applicant's teaching that context switches occur relative to the data banks IEM and IER does not necessarily by extension teach that context switches can occur relative to other system elements.

Appllicant argues on page 10 that a CPU interface does not control a physics simulation and does not commuicate with a PPU software driver on the CPU. However, a CPU interface does teach the aforementioned limitations when the limitations are interpreted broadly. A CPU interface controls a physics simulation as, without the interface connecting the main processor to a physics processor, no commands would reach the physics processor and no simulation could occur. Communication between the main processor and the PPU software driver must, as explained above, pass through the interface; therefore, the interface communications with the PPU software driver in that it receives information passed via the PPU software driver and send it further along to other modules inside the PPU.

The same interpretation is also applicable to the use of the signal processor of Van Hook to the PCE. The signal processor receives commands from the CPU interface, which emanate from the main processor. Therefore, commands are being sent from the CPU and its coprocessor software driver to the signal processor, which an be considered communcation. Note that Van Hook's teaching of software device drivers for resources, when combined with Bishop's teaching of a PPU as a resouce, teach the overall limitation of PPU software drivers.

Examiner recommends amending the claims to elaborate on what it means to "control" a physics simulation and "communicate" with a PPU software driver.

KV